

CITY OF BELMONT

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, APRIL 15, 2008, 7:00 PM

Chair Parsons called the meeting to order at 7:00 p.m. at One Twin Pines Lane, City Hall Council Chambers.

1. ROLL CALL

Commissioners Present: Parsons, Horton, Frautschi, Mayer, Mercer, Reed
Commissioners Absent: McKenzie

Staff Present: Community Development Director de Melo (CDD), Associate Planner Walker (AP), City Attorney Zafferano (CA), Recording Secretary Flores (RS)

2. AGENDA AMENDMENTS – Chair Parsons reversed the order of Items 3 and 4.

4. CONSENT CALENDAR

4A. Minutes of March 18, 2008

MOTION: By Commissioner Mercer, seconded by Commissioner Mayer, to approve the Minutes of Tuesday, March 18, 2008 as presented.

Ayes: Mercer, Mayer, Reed, Frautschi, Horton, Parsons
Noes: None
Absent: McKenzie

Motion passed 6/0/1

3. COMMUNITY FORUM (Public Comments)

Carmen Dostie, resident/owner in the neighborhood, addressed the Commission regarding the trees that were recently cut down on the Maywood property adjacent to her property. She was especially concerned about the 8' Heritage Oak, which the owner had said that the City had found to have a virus that required it to be cut down. The owner also had said that all the Bay trees were diseased and had to go. She stated that discussions with Karl Mittelstadt, "City Arborist" raised questions in her mind as to who is really inspecting trees and why some larger Oaks in worse condition have been allowed to remain. She reminded the Commission that it takes a very short time to cut down a tree but a very long time to grow an old one.

Bill Hand, resident of the neighborhood, speaking about the same tree as referred to by Ms. Dostie, compared the tree to the Oak in Twin Pines Park in front of the Lodge Building, noting that that tree has been supported and kept there by the City. He saw nothing wrong with the tree on Maywood while it was still up, and could not see signs of termites or other infestation in the remaining trunk. He felt it could have been held up quite easily. He questioned the City's system if a City arborist can just condemn a tree without further study and felt that something should be done in the future to prevent the same sort of thing from happening.

Commissioner Mercer confirmed with staff that the tree was located at 1105 Alomar Way.

Commissioner Frautschi requested a report from staff on this piece of property, and clarified for the record that Karl Mittelstadt is not the City Arborist. CDD de Melo stated that this will be put on the next agenda so that they can discuss actions related to this piece of property, and that copies of the staff findings will be sent to the previous speakers.

5. OLD BUSINESS

5A. 1510 Folger Drive – Landscape Plan for Mid Peninsula Water District

Commissioner Frautschi recused himself from this discussion because he lives within 300' of the property.

CDD de Melo summarized the staff memorandum, recommending approval of the Landscape Plan as proposed.

Commissioner Reed asked what it would take to put in an automatic irrigation system. CDD de Melo responded that he had no qualms about going back to the Water District and asking for that change.

Commissioner Mayer said he thought the Commission had asked for more of a variety of plantings rather than all Oaks. CDD de Melo responded that he could ask the applicant for other shrub plantings.

Commissioner Mercer asked if the city could obtain some other mitigation plantings elsewhere on the property to make up for the fact that they removed such a huge bio mass of trees without going through the proper procedures. CDD de Melo commented that they could look at that possibility.

Commissioner Mayer agreed with Commissioner Mercer and would like to see varieties other than Oak.

Vice Chair Horton pointed out that the Water District has voluntarily planted a large number of trees in the City that perhaps should be considered when they come up with a number that should be replaced. She did not have any issue with the proposed plan, adding that eventually when these trees get big nothing will grow under them.

Chair Parsons agreed with Commissioner Reed that manual irrigation is not the way to go. He further suggested that if MPWD is going to be generous they consider putting some ground cover at the Ralston pump station on Cipriani and Continentals to prevent the dirt and bark from draining into the street. CDD de Melo agreed, but will come back to that site as a separate item.

MOTION: By Vice Chair Horton, seconded by Commissioner Mayer, to adopt the Resolution approving a Site Frontage Landscape Plan for the Mid Peninsula Water District property located at 1510 Folger Drive, with the addition of a requirement that an automatic sprinkler system be installed.

Ayes: Horton, Mayer, Mercer, Reed, Parsons

Noes: None

Recused: Frautschi

Absent: McKenzie

Motion passed 5/0/1//1

Chair Parsons announced that this item may be appealed to the City Council within 10 calendar days.

Chair Parsons suggested to staff that they follow up with the MPWD with regard to the property on Ralston.

Commissioner Frautschi returned to the dais.

6. PUBLIC HEARINGS:

6A. PUBLIC HEARING – 1109 Alomar Way

To consider Tentative Parcel Map and Single-Family Design Review requests to subdivide one 12,390 square-foot lot into two lots, and to construct one new single-family dwelling on the proposed vacant parcel. Proposed Parcel 1 would be 6,000 square feet and would contain the existing single-family residence located at 1109 Alomar Avenue. Proposed Parcel 2 would be 6,390 square feet and is currently vacant. The applicant is requesting Single-Family Design Review approval to construct a new 1,492 square-foot single

family residence on proposed Parcel 2 that is below the maximum permitted 1,495 square foot for the site. The proposed single-family residence would front onto Maywood Drive. (Appl. No. 2006-0054)
APN: 045-083-040; ZONING: R-1B Single-Family Residential
CEQA Status: Recommended Statutory Exemption per Section 15270
Applicant: Alpheus Jessup, M-Designs Architects
Owner: Jean Adams
Project Planner: Jennifer Walker

AP Walker confirmed that each Commissioner had been given the email received that day from Mr. Lake. She summarized the Staff Report, noting that staff could not make Findings A and C of the Tentative Parcel Map Analysis, and recommended denial of the Tentative Parcel Map and Single-Family Design Review.

Commissioner Mayer asked if the applicants were clearly informed of the possibilities of annex buildings or structures within the existing building to accommodate the need for an in-law type of unit. AP Walker responded that they were apprised of the secondary dwelling options that would not require a subdivision, adding that the location of a secondary unit could be similar to where it is now proposed but there could not be secondary driveway cuts on the Maywood Drive frontage.

Alpheus (Chip) Jessup, architect, was available to answer technical questions.

Shante Adams, son of the owner of the property, confirmed that they were informed of their options, but that the problem with those units would be that they would not be usable after they were no longer needed for family use. They concluded that if they are going to have the negative effect they might as well make the most useful type of improvement of the lot possible.

Chair Parsons opened the Public Hearing.

Carmen Dostie, resident, spoke in opposition to the proposed subdivision. She stated that the wildlife and natural backdrop of the neighborhood influenced the purchase of her property, and was very saddened by the clear-cut look of the lot adjacent to hers.

Frank Figone, resident of the neighborhood, spoke in favor of the project. He cited mudslides, poison oak, wasp nests, and fire hazards as safety concerns, and felt that the aesthetics of a different house on the vacant lot would increase the value of the neighborhood. He stated that the tree discussed earlier was condemned by Kielty Arbor Services because years of mudslides had put it at a 45° angle and 18" under dirt to the root crown, which created a fungus and other diseases, and that there have been repeated slides for 50 some years.

Stephen Cann, resident of the neighborhood, spoke in opposition to development of this lot. He felt it would further decimate the unique wooded area in the neighborhood, would have a tremendous impact on the wildlife in the area, would create a traffic hazard where the driveway would be placed, and the slope density and huge amount of earth that would have to be removed is unreasonable.

George Glushenok, resident of the neighborhood, asked that the Commission disapprove the project because of the precarious steep slope, and felt that disruption of the terrain on the site may compromise the stability of the slope and cause damage to neighboring properties. He felt it would change the character of that part of the neighborhood in a negative manner.

Will Dubrul, resident of the neighborhood, spoke in opposition to the project, noting that the view from his kitchen window is now filled with flora and fauna, and tree removal would disrupt the habitat for deer, rabbits and red tail hawks that frequent the lot. He stated that he had canvassed the neighborhood and obtained 47 signatures of people who oppose the project and found no one in favor.

Haven Dubrul, resident of the neighborhood, spoke in opposition to the development. One reason she bought her home in Belmont was because of the general community goals to preserve open space. She asked that the Commission not take lightly the fact that there have been two properties discussed that are adjacent to one another, and she did not believe it is an accident that one of those properties has been decimated of its trees and natural habitat and the other one has a slope density of over 50%.

Fred Barnhart, resident of the neighborhood, opposed the project for aesthetic reasons. He feels that the recently denuded lot next door looks like an open pit mine, and that the excavation required for this project would create another open pit mine and would not be in the best interest of the community.

Bill Hand, resident, concurred with the previous speaker and spoke about the probable drainage problems associated with this development.

MOTION: By Vice Chair Horton, seconded by Commissioner Mayer, to close the Public Hearing. Motion passed 6/0/1 by a show of hands.

Responding to Commissioner Frautschi's question, staff calculated that 755 cubic yards of cut would require approximately 76 truckloads of fill.

Commissioner Frautschi commented that he supported staff's recommendation of denial of the project based on the analysis that five of the specific goals and policies of the General Plan could not be made. He could not find for Findings A, C, and D.

Commissioner Mayer noted that he lives in the McDougal neighborhood and attended the open house. He felt that Maywood is one of the signature entry points to the neighborhood and that the clear-cutting of the adjacent property followed by this plan runs the risk of basically destroying this entire unusual and unique entry point. He felt it conflicts with many provisions of the General Plan and viewed it, not as a case of a property owner having the right to develop his property in any way that he sees fit, but to develop it in a way that the guidelines of Belmont and other cities in similar positions have designed to protect not only the interest of homeowners but the interest of neighborhoods and the larger community. He felt this project would be like an assault on the property due to the fact that the house would basically be gouged out of the hillside. While he respects the right of property owners to develop their property, he did not feel that denial would be an unconstitutional deprivation of those rights but that it is simply the City of Belmont exercising its right to maintain some control over the community and its ambience and values. He could not support the project and supported staff's recommendation to deny this subdivision.

Vice Chair Horton stated that she too is a resident of the McDougal neighborhood and concurred with staff's report. She felt that this lot is not a subdividable or usable lot, which is why it was not originally a lot. A 50% slope and 755 cubic yards of cut for a 1400 sq.ft. house is massive. She could not make the findings or the General Plan Goals and determined that it is a lot that, from a functional standpoint, is not buildable and from a legal standpoint is not a property that can be subdivided and comply with the General Plan that is in place.

Commissioner Mercer also concurred with the Staff Report, and commented on the Findings as follows:

- Could not make Finding A, Tentative Parcel Map, regarding the division of the property being consistent with the applicable general and specific plans.
- Policy, 2.b. and 2.c. regarding intensity of land use are close calls – they would not be the smallest lots ever made in Belmont but they would be out of character for that particular several blocks. They would be by far the smallest lot and by far the highest density.
- Could not make findings for Policy items 4.d. and 4.i. that grading be kept to a minimum necessary to permit development and that slopes exceeding 30% be avoided whenever possible. The lot has a 50% slope and even if confined to the less sloped area they are still looking at 30% slope – there is no where to build that would not have a severe slope.
- Could not make Finding C about the site being physically suitable for the type of development due to the amount of cut. She calculated that for every cubic yard being hauled out of there they were buying two square feet of house – way too big of a cost for the very small benefit.
- Could not make Finding D with regard to the proposed density; 1 to 7 dwelling units per acre is the standard and this is pushing that standard just a little bit. If there were some tremendous benefit to the community that could be cited for this tradeoff or if this was somehow considered a requirement to allow this property to be used in any way, she said that she might be able to make that close call but could not make that finding under these circumstances.

Commissioner Mercer wanted to make it clear that this in no means implies that this property could not be developed. The current residence could have this same 1490 square foot added on to it and be well within the development standards and zoning regulations in its existing configuration. It does not require a

subdivision in order for the property owner to achieve the full use of that property.

Commissioner Reed concurred with what had been said. He pointed out that Section 3 of the General Plan does not establish precise locations for land uses and circulation nor does it set forth specific development schemes for individual properties. The plan establishes a context within which private and public property is to be used, followed by Section 8, which says the plan as adopted reflects the expressed views of the residents of Belmont. Working from that framework, he believed that this project does not comply with Sections 1015, 1016 or 2071 of the General Plan. He also could not make for Findings C, D, E and F of this project, and therefore could not support it.

Chair Parsons also agreed with staff. He could not imagine why anyone would try to put a house on there except for profit and the Commission does not deal with that. He commented to the owner's son that he had put an attached secondary unit addition on his house and was told by every realtor in town that he would get every penny back that he put into it when he sells the property. He could not agree with the proposal because of the findings staff had outlined and concurred with the other Commissioners.

MOTION: By Commissioner Mayer, seconded by Commissioner Reed, adopting the Resolution denying the Tentative Subdivision Map and Single-Family Design Review for 1109 Alomar Way (Appl. No. 2006-0054).

Ayes: Mayer, Reed, Frautschi, Mercer, Horton, Parsons
Noes: None
Absent: McKenzie

Motion passed 6/0/1

Chair Parsons announced that this item may be appealed to Council within 10 calendar days.

Chair Parsons called for a 3-minute Recess at 8:10 p.m.

6. REPORTS, STUDIES AND UPDATES

CDD de Melo reported as follows:

6C. NDNU (Koret) Athletic Field

The second acoustical study field data test took place the previous Sunday. The results of that study should be ready in a few weeks and be released to the public, at which time the Task Force will be activated.

6A. 500 Block – El Camino Real (East Side)

This is the site where a number of trees had been cut down – a complaint has been drafted at the City Attorney's office and is ready to file. CA Zafferano interjected that they are waiting for the property owner's response to their last letter, which reflects some additional information. If they have not responded within the next couple of days, a complaint will be filed.

6B. Motel 6 – 1101 Shoreway Road

Scheduled update is due in about 45 days.

6D. Charles Armstrong School – 1405 Solana Drive

Staff is working with CAS to try and secure a meeting with neighbors to go over the landscape plan and use issues with the site.

6E. Ralston/US-101 Landscape Project

The architect who is working with CalTrans is still trying to solicit a CalTrans buy-in for the concept plan as seen by the Task Force group of the Commission.

6F. Potential Planning Commission Overview Meeting

Staff would like to schedule a study session with the Commission to have a refresher course on all things planning and to discuss what the Commission would like to accomplish and to share feedback. Chair Parsons

would like to see the City Attorney perhaps the City Manager attend this workshop so they can discuss what the role of the Commission is and how it differs from Council and other positions in the City. Chair Parsons suggested a Saturday morning. CDD de Melo will send an email to determine what date will work for Commissioners.

A Joint City Council/Planning Commission meeting has been scheduled for 7:00 p.m. on April 29th. Topics for consideration should be given either to CDD de Melo or Chair Parsons.

Additional Items

Chair Parsons announced that the Fence Committee is being reconstituted to develop a policy for placing signs on the fence, if any. He asked Commissioners to send him an email expressing their thoughts.

Chair Parsons stated that there is a student who is interested in a summer job and would like a copy of the Planning Commission Handbook.

CDD de Melo reported that the first meeting of the Green Advisory Committee will be held on Thursday, 4/17, at 5:00 p.m. in the EOC.

7. CITY COUNCIL MEETING OF TUESDAY, APRIL 22, 2008

Liaison: Commissioner Mayer
Alternate Liaison: Commissioner Reed

9. ADJOURNMENT:

The meeting was adjourned at 8:25 p.m. to a Joint City Council/Planning Commission Joint Meeting to be held on Tuesday, April 29, 2008, at 7:00 p.m. at Belmont City Hall. The next Regular Planning Commission Meeting will be held on Tuesday, May 6, 2008 at 7:00 p.m.

Carlos de Melo
Planning Commission Secretary

CD's of Planning Commission Meetings are available in the
Community Development Department.

Please call (650) 595-7416 to schedule an appointment.